

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TROY L. NEVELS, No. CIV S-03-1590 MCE PAN P
Plaintiff,
v. ORDER
CHERYL PLILER, ET AL.,
Defendants.

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On June 8, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days.

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1 Defendants have filed objections to the findings and
2 recommendations.

3 In accordance with the provisions of 28 U.S.C.
4 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
5 de novo review of this case. Having carefully reviewed the
6 entire file, the court finds the findings and recommendations to
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed June 8, 2005, are
10 adopted in full; and

11 2. Defendant's November 24, 2004, motion to dismiss is
12 denied and defendant shall file and serve an answer within 30
13 days of the date this order is served.

14 DATED: June 30, 2005

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18 MORRISON C. ENGLAND, JR.
19 UNITED STATES DISTRICT JUDGE
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